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Election/EXT(2)/#10
J 7.01.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christophe RONSIN *et al.*

Title: PEPTIDE COMPOUND DERIVED FROM
A SHIFTED ORF OF THE ICE GENE

Appl. No.: 10/019,219

Filing Date: 12/28/2001

Examiner: G. B. Nichol

Art Unit: 1642

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TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In reply to the requirement for restriction dated March 25, 2003, applicants provisionally elect Group I, claims 1-5, 7, 8, 17, and 21-23 for initial prosecution on the merits.

Applicants traverse restriction between Groups 1 and 3. Group 1 includes claims drawn to peptides, while Group III includes claims drawn to DNA encoding the peptides of Group 1. The present case is the national stage of a PCT application, and as such is subject to rules set forth in the Patent Cooperation Treaty with respect to unity of invention. "Examples Concerning Unity of Invention" are set forth in the Administrative Instructions under the PCT, which are included in the MPEP as Annex B. Example 17 relates to situations in which there are claims directed to both a protein X and a DNA sequence encoding protein X. A common technical feature, and hence unity of invention, exists for such claims. Therefore, Groups 1 and 3 of the present application should be examined together in this application.

In addition to the traversal between Groups 1 and 3, applicants note that Groups 6 through 10 are drawn to uses of the product of Group 1. Under the doctrine set forth in *In re Ochiai*, these claims must be rejoined and examined in this application once the product of Group 1 is found to be allowable. This doctrine does not limit an applicant to examination of only one use of the claimed product, as alleged in the current Action, and the examiner has cited nothing in support of this position.

Applicants now await a first substantive action on the merits. Should there be any question regarding this application, the examiner is invited to contact the undersigned at the local exchange listed below.

Respectfully submitted,

Date June 25, 2003

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